



STATE OF NEVADA
STATE CONSERVATION COMMISSION
901 South Stewart Street, Suite 5004
Carson City, Nevada 89701-5247
Phone (775) 684-2760 - Fax (775) 684-2761

DRAFT MINUTES
STATE CONSERVATION COMMISSION

Wednesday, June 10, 2009

**Department of Conservation and Natural Resources at the
Richard H. Bryan Building, 901 S. Stewart Street,
4th Floor Conference Room, Carson City, NV 89701**

The Nevada State Conservation Commission held a public meeting on Wednesday, June 10, 2009 at 10:00am in Carson City, NV at the Department of Conservation and Natural Resources at the Richard H. Bryan Building, 901 S. Stewart Street, 4th floor Conference Room, Carson City, NV 89701.

The State Conservation Commission considered and acted on the following items on June 10, 2009.

Board Members Present: Keith Whipple, Lincoln County CD; Joe Sicking, Paradise/Sonoma CD; Vance Vesco, Big Meadow CD; Chris Freeman, Nevada Tahoe CD; Eric Rieman, Carson Valley CD; Judy Currier, CD of Southern Nevada; Donna Lamm, Southern Nye County CD; Ed Foster, NV Dept. of Agriculture.

Board Members Absent: Dr. Rangesan Narayanan, UNR College of Agriculture

Others Present: Jim Lawrence, Acting Administrator, NV Division of Conservation Districts; Kelly McGowan, NV Division of CDs; Sandi Gotta, NV Division of CDs; Brandi Re', NV Division of CDs; Allen Biaggi, Director, Department of Conservation and Natural Resources; Bob Conrad, NV Department of Conservation and Natural Resources; Pam Griswold, President, Nevada Association of Conservation Districts; William Elder, NRCS; Bruce Peterson, NRCS; Kerry Benson, Deputy Attorney General, NV Attorney General's Office; Becky Maholland, Washoe-Storey CD; Austin Keller, Washoe-Storey CD.

I. CALL TO ORDER

A. Chairman Keith Whipple called the meeting to order at 10:05am. Introductions were made of those attending the meeting.

II. REVIEW AND APPROVAL OF AGENDA - *ACTION*

A. The agenda was approved as written via a motion to approve by Commissioner Sicking, seconded by Commissioner Rieman and commission approved.

III. REVIEW, AMENDMENT AND APPROVAL OF MINUTES - *ACTION*

Approval of Minutes March 12, 2009: A motion to approve the minutes as written by Commissioner Sicking, was seconded by Commissioner Rieman and commission approved.

IV. PUBLIC COMMENTS

A. *Three minute time limit per person, limited to items not on the agenda.*

There were no public comments.

V. REPORTS TO THE COMMISSION

A. *Status of the Division of Conservation Districts*

1. *Fiscal Report – Jim Lawrence –*

a) Mr. Lawrence reviewed the current fiscal report for FY09. Due to the constraints on the budget the agency was very conservative. He discussed the budget approved for the next biennium FY10/11 and explained the overall budget reductions were 14½ percent for the agency. The division was able to hire for their open vacancy of and Administrative Assistant II at part-time status. Brandi Re' was introduced to the commission and welcomed. He explained due to budget reductions that the CD state grant was reduced from \$5,000 to \$4,200 annually although the division made reductions in all other areas possible before having to reduce the grants to districts program for the agency to meet their budget reduction requirement. The Division made a 61 percent reduction in out-of-state travel and a 31 percent reduction in in-state travel. Mr. Lawrence explained due to these reductions, only one CD staff member will be able to attend national meetings. Training received the largest cut being eliminated.

b) An opportunity presented to Mr. Lawrence by Pete Anderson, State Forester, Nevada Division of Forestry at a meeting at the University of Nevada-Reno was discussed regarding federal funds for fire rehabilitation activities. It is uncertain at this time however if those funds will be coming to the state or what the parameters will be. Mr. Lawrence will update the commission as more information becomes available.

c) Mr. Lawrence reported on a recent meeting with the Conservation District of Southern Nevada and the Division of State Lands. The Division of State Lands is responsible for administering the Mt. Charleston license plate program. This program administers small grants to do conservation resource work in the Mt. Charleston area. The statute requires the grants to be sponsored through a public agency. CDSN has agreed to become the sponsor for those grants in lieu of Clark County. This will provide CDSN more media exposure and will be beneficial to the grantees by increasing the timeliness of grant reimbursements. A number of requests have come from public entities and private land owners to participate in the grant program.

2. *Conservation Districts Meeting Logs – Kelly McGowan & Sandi Gotta –*

a) Kelly suggested that reviewing the logs be deferred to later in the meeting when the commission reviews the logs in reference to preliminary good standing determination and district work plans.

b) Kelly made mention of a proposed amendment to the Wild and Free Roaming Horses and Burrows Act -HR1018. He sent correspondence to everyone via email.

c) AB556 – Elimination of a position of Weed Coordinator within the Dept. of Agriculture. Kelly explained some concern by others that it appeared to be eliminating Dawn Rafferty's position with the Department of Agriculture.

He explained, and Ed Foster concurred that Ms. Rafferty did not lose her position and now is working in a different capacity. Scott Marsh is now heading the noxious weeds program.

d) Sandi relayed condolences to the commission on behalf of Barbara Pearlman-Whyman, Vice President of NvACD who was not able to attend the meeting. She will be attending the NACD Legislative Conference in Washington DC and will take along any concerns the commission wishes to relay.

e) Kelly submitted a proposal to the Fish and Wildlife Service dealing with easements, agriculture, what agriculture may look like in the future in Nevada, and what may be done to sustain agriculture in Nevada. The proposed program is in the preliminary stages. The proposal focuses on looking to preserve, protect and sustain Nevada farmlands, and inspire younger generations interested in doing the same regarding agriculture production. An open discussion detailed how to achieve these goals. A partnership with Nevada Division of Forestry, the U.S. Forest Service and Bureau of Land Management was discussed as a vital partner in the success of these goals.

f) Sandi mentioned a program in which Washoe-Storey Conservation District is working with the Corps of Engineers, the county and developers to implement wetland and stream restoration projects using in-lieu fees. With support from the Corps of Engineers, WSCD can begin to implement their Steamboat Creek Restoration Plan. Sandi commented how working with partnerships, this program can be a model for other conservation districts.

VI. REPORTS TO THE COMMISSION

A. Department of Conservation and Natural Resources – Allen Biaggi –

1. Mr. Biaggi updated the commission that Bob Abbey, former Director of NV BLM, was nominated by President Obama as the U.S. Bureau of Land Management Director. Allen felt it positive to have someone from the west holding that position and someone that understands western land management concerns.

2. Mr. Biaggi updated the commission on the end of the legislative session and bills of particular interest to the Department of Conservation and natural Resources. He reported that budget reductions were met with few layoffs and payouts, but mainly through attrition of positions to reduce the budget without diminishing programs.

3. Review of Legislative sessions bills

a) AB18 – Lake Tahoe Basin Water Quality, water quality issues received \$100 million in bond funding. Approved for the next 10 years.

b) AB75 – Fire Protection and Defensible Space in the Lake Tahoe Basin was amended to include Mt. Charleston area – Approved.

c) AB78 – Division of Forestry – Conservation camps manned by prison inmates, formalized program.

d) AB119 – Match water resources, Washoe County – Veto, No override.

e) AB214 – Park Rangers – industrial injuries and occupational diseases for our park rangers, health and liability benefits.

f) AB229 – Self-Extinguishing Cigarettes for the State of NV. Approved.

g) AB236 – AB198 Program – Water projects modified how EPA can issue grants.

h) AB266 – Prohibit sale of novelty lighters, i.e.; lighters that resemble guns.

- i)** AB289 – Provides protection for Paleontology sites primarily in Las Vegas for the Mammoth resources sites.
- j)** AB377 – State Engineer continue to use sound science regarding allocation of our surface and ground water.
- k)** AB395 – Modified relationship with employees' collective bargaining. Vetoed.
- l)** AB416 – Inventory of inner basin transfer, effective 7/1/2009. Formalize the process and places the burden of fees on the person making the request. Effective 7/1/2009.
- m)** AB426 – EPA Reuse of e-waste (computer waste) – initiate study.
- n)** AB463 – State Employees Consulting – state employees can participate after 1 year leave of service before returning as consultants. This affects all state employees.
- o)** AB480 – Government Affairs Bill – change of fee for the State Engineer. Water Resource Staffing – revert to 1970 staffing levels – raising fees to retain employees, legislative veto override – restoring 7 of 11 employees.
- p)** AB521 – Division of Forestry – Lung and Heart Cancer
- q)** AB550 – Assembly Ways and Means – Issues with too commercial weddings held at Valley of Fire State Park, staff resources exhausted by number of weddings, limited number of weddings that can be held at that state park. Requested fee's to be increased instead. Vetoed. Status is number of weddings will still be limited.
- r)** SB6 – Heart Lung Bill for fire fighters.
- s)** SB37 – Sub grants EPA to use stimulus money to help define process.
- t)** SB42 – Except activities state park projects –maintenance of small structures. Bill did not succeed.
- u)** SB60 – Meth. Use Houses Contamination – provide EPA to work to clean-up homes where the manufacturing of meth has taken place. Approved.
- v)** SB66 – Douglas County water resources.
- w)** SB94 – Fire Protection-Tahoe basin requirements for defensible space.
- x)** SB105 – Public Lands Bill – Provided for better definition of matching funds and grants for water project for EPA. Approved.
- y)** SB137 – Replacement of recycling containers around multi-family dwellings in Las Vegas. Increase recycling in urban areas.
- z)** SB146 – Senate Finance Bill - \$225,000 out of Q1 Division to Wildlife for the control and reduction of cheat grass.
- aa)** SB152 – Renewable Energy – allow windmills in Elko state parks.
- bb)** SB174 – State Employee Restrictions – exempt state employees for secondary employment within the state, for example volunteer firefighters.
- cc)** SB185 – Requires school districts to utilize environmentally friendly cleaning products. Cannot use products that are toxic.
- dd)** SB186 – Tire recycling – So. Nevada, particularly Las Vegas.
- ee)** SB215 – Extends activities with California Trail Wayside Sites System, particularly Elko County and provides addition money.
- ff)** SB256 – No. Nevada Adult Mental Health Service formalizes the cemetery as a historic cemetery anything to be built on it.
- gg)** SB300 – Las Vegas – NV State Lands property to be used by Opportunity Village as a parking lot until the state decides to sell or lease the property.

hh) SB332 – Alternative Energy Infrastructure Bill – revised how the state recognized deals with alternative fuels and clean vehicles; hybrid and electric vehicles.

ii) SB394 – OHV Bill – Off Highway Vehicle. Regulations of OVHs. Ranchers are exempt. Fee to begin be assessed 7/1/2009.

jj) SB397 – Surcharge on Plastic Bags. Ten cent surcharge on each plastic bags being used. EPA would have received the fees from the surcharge. Did not pass.

4. Allen announced a large number of retirements from within the department, especially in State Parks. Encouraged hopes that the youth would take an interest in conservation and natural resources.

B. Department of Agriculture – Edward K. Foster –

1. Mr. Foster reported the opening of their new building in twelve days. The building is 36,000 square feet and includes four labs and expanded greenhouse. A grand opening will be slated at some point in the near future; however, the logistics have yet to be determined.

2. Mr. Foster reported that the NV Department of Agriculture retained a position in Winnemucca as part of the restructure.

3. The Noxious Weed Program of the Department of Agriculture has received \$5,274,000 in American Recovery and Reinvestment Act funds for the purpose of reducing hazardous fuels. These funds will support 9 projects in Washoe, Carson City and Clark Counties. More than 11,000 acres will be treated over the two year life of the projects with plans of employing approximately 150 people.

☀ *The commission adjourned for a 10 minute break. Chairman Whipple called the meeting back to order.*

C. University of Nevada, Reno – Dr. Rangesan Narayanan –

1. No report as Dr. Narayanan was absent.

D. Natural Resources Conservation Service – Bruce Peterson

1. Mr. Petersen reported \$2 million in funding to help producers in the state.

2. (FRPP) Farm and Ranch Preservation Program funding of \$3.5 million with 8 applicants. Some matching contributions have come from Question 1 funding. Landowners can make donations to assist with required match.

3. Q1 FY2010 with a November funding date for conservation easements. He reported that available funding dates have been a problem in the past, so he is trying to better coordinate program dates with the Question 1 program dates as they both provide a good matching partnership.

4. Crop Reserves – Grassland Reserve Program to reserve farmland received \$300,000.

5. Vacancies – Plant Material Center of Operations, 2 positions are open. Soil Management position based out of Ely and a Biologist position funded by the Fish and Wildlife Service and NRCS.

6. National requests concerning 2010 budget: Vehicle liability concerns have restricted usage by conservation district supervisors. Computers for districts and office space for districts for administrative services is being discussed at the national level. All employees utilizing NRCS as district space must obtain security clearance due to confidentiality requirements of NRCS records.

7. Becky Maholland – Washoe Storey CD, placed a request for computer assistance from NRCS. Bruce recognized the need of the district and said NRCS would work with them to fulfill the request. He added that conservation districts can enter in contribution contracts with NRCS.

E. Farm Service Agency – Gus Wegren – No Report, absent.

F. Pam Griswold – Nevada Association of Conservation Districts

1. Ms. Griswold notified the Commission and other members that their website will be updated and ready to go live June 27, 2009. The website will include district projects and individual district boundaries. Pam will coordinate with Sandi to get additional district project information and get them on the website.

2. NvACD acknowledge that they have received 11 district's dues to date.

3. The Northeast Area Meeting will be held in Well's on June 27, 2009 at 1:00 p.m. at the Well's park. She stated that she is hoping to have Jim, Kelly and Sandi on the agenda.

4. The state meeting will be held in Fallon, NV on November 4 & 5, 2009. The NvACD Annual Meeting will not be local speaker specific; the association is looking for speakers that can speak about issues that affect conservation districts in the state as a whole.

5. The State Conservation Commission will hold their first meeting prior to the NvACD meeting on November 3rd. The SCC will meet again at the conclusion of the NvACD meeting on November 4, 2009.

6. NvACD requested information via a questionnaire from the districts regarding what percentage they considered their district make-up; rural vs. urban area. Six responses have been received to date.

7. Ms. Griswold informed the Commission that 17 applications were received for scholarship funding. A total of 8 scholarships were funded, 4 at \$300 and 4 at \$200. The money received was from the annual auction. The committee was pleased with the diversity of counties it received applications from. They feel the importance of providing these scholarships helps educate the difference between conservation and preservation.

☀ *The commission adjourned for lunch at 12:30 pm. At 1:30 pm, Chairman Whipple called the meeting back to order.*

VII. OLD BUSINESS

A. Review of the Conservation Commission's Strategic Plan –

1. The commission discussed a schedule for future updates to the plan. The Strategic Plan is slated to be placed on the Commission agenda when they meet in Fallon, NV. The Commission discussed hiring Ray Ledgerwood, Board Works by Ledgerwood; a consultant to assist in the process. Ray's fee was discussed and believed to be \$1,400 for his service. A suggestion was made to look at various options including using a state facilitator? Vance made the motion and was seconded by Donna Lamm. Motion passed unanimously.

2. Commissioner Lamm brought up a question about a previous presentation to the commission by the BLM. She would like to get more information about the BLM bid process, and the nearly 6 million dollars in available funding for renewable energy resources. She stated her opinion that the commission and the conservation districts should be able to partner together with the BLM to utilize some of the funding to ensure projects conserve the natural resources to the best extent possible. She plans to get additional information and bring it back to the commission at a later meeting.

VIII. NEW BUSINESS

A. Nevada Division of Water Resources– Rick Felling –

1. Mr. Felling gave a presentation about the declining ground water levels in Diamond Valley, NV. Suggestions on how the local conservation district might assist water right users and landowners in addressing this concern. (See attached PowerPoint presentation)
2. Mr. Felling reported that Diamond Valley was over-appropriated on water rights. His report highlighted that the Diamond Valley basin requires management and administration of water usage and restructure of appropriations.
3. The report indicated a reduction of 2.7AF per acre instead of the current usage of 3.0AF per acre.
4. Nevada law would have to be amended to avoid forfeitures.
5. Reports indicated that within the next decade the crisis will fall on the landowners where they either can't or simply will not be able to afford pumping.
6. A possible resolution to pay for the shutdown of unused wells was offered by the commission. No action was taken by the commission. The Commission thanked Mr. Felling for taking the time to attend and present at their meeting.

B. Review compliance of the Districts holding elections in November of even numbered years (NRS548.285 (3) and NAC 548.110 (5)). - *ACTION*

After reviewing the election logs, Sandi reported that Lander did not hold an election within in the first 10 days of November, however, appointed two positions in January, after showing an election agenized in December. Kelly reported that Duck Valley did not hold an election within the first 10 days of November, instead made appointments at a regularly scheduled meeting December 30, 2008. The commission reviewed the NAC and the procedures that they must follow if it appears that a conservation district may not be in 'good standing' and sought guidance from Kerry Benson, Attorney General's Office. After discussion, the commission requested that staff contact both Lander and Duck Valley conservation districts and request a written explanation as to why an election was not held. If those letters can be presented at the next SCC meeting, then a determination of good standing and eligibility of grant funds could be made. If the district(s) chose to use the full 60 days provided them in statute, then the commission would not meet again until November, thus delaying a grant fund disbursement.

C. Review compliance of Districts to Open Meeting Law. (NAC 548.285 (1,2,3,4)). - *ACTION*

The commission reviewed the logs and found 27 of the districts to be in compliance. Owyhee will be in compliance conditionally upon holding their third required meeting prior to June 30, 2009. After reviewing the meeting logs, the commission found all districts in compliance with the exception of Owyhee until minutes are received that they held their scheduled meeting on June 15, 2009 and had a quorum present. Kelly stated that he plans to attend that meeting.

D. Review of Conservation Districts Budget for FY 2010. Determination of compliance of Budgets with legal requirements (NAC 548.120 (2)) - *ACTION

1. The commission reviewed and discussed the budgets for each conservation district for FY 2008-2009.

1. Big Meadow – Joe moved to approve their budget. Chris seconded the motion. Motion passed.
2. Carson Valley – Vance moved to approve their budget. Judy seconded the motion. Motion passed.

3. CD of Southern NV – Eric moved to approve their budget. Vance seconded the motion. Motion passed.
4. Clover Valley – Judy moved to approve their budget. Chris seconded the motion. Motion passed.
5. Dayton Valley – Joe moved to approve their budget. Eric seconded the motion. Motion passed. Noted amendment of grant funding from \$5,000 to \$4,200.
6. Duck Valley – Joe moved to approve their budget. Chris seconded the motion. Motion passed. Noted amendment of grant funding from \$5,000 to \$4,200.
7. Esmeralda County – Joe moved to approve their budget. Erik seconded the motion. Motion passed. Noted amendment of grant funding from \$5,000 to \$4,200.
8. Eureka – Joe moved to approve their budget. Vance seconded the motion. Motion passed.
9. Jiggs – Joe moved to approve their budget. Judy seconded the motion. Motion passed.
10. Lahontan – Joe made a motion to approve their budget. Judy seconded the motion. Motion passed.
11. Lamoille – Judy moved to approve their budget. Chris seconded the motion. Motion passed.
12. Lander County – Eric made a motion to approve their budget. Joe seconded the motion. Motion passed.
13. Lincoln County – Joe moved to approve their budget. Chris seconded the motion. Motion passed.
14. Mason Valley – Eric moved to approve their budget. Joe seconded the motion. Motion passed.
15. Nevada Tahoe – Joe moved to approve their budget. Judy seconded the motion. Motion passed.
16. Northeast Elko – Erik made a motion to approve their budget. Vance seconded the motion. Motion passed.
17. Owyhee – Joe moved to approve their budget. Chris seconded the motion. Motion passed.
18. Paradise-Sonoma – Vance moved to approve their budget. Judy seconded the motion. Motion passed.
19. Quinn River – Erik moved to approve their budget. Joe seconded the motion. Motion passed.
20. Ruby Valley – Vance moved to approve their budget. Joe seconded the motion. Motion passed.
21. Smith Valley – Chris moved to approve their budget. Vance seconded the motion. Motion passed.
22. Southern Nye County – Joe made a motion to approve their budget. Vance seconded the motion. Motion passed.
23. Starr Valley – Joe moved to approve their budget. Judy seconded the motion. Motion passed.
24. Stillwater – Joe moved to approve their budget. Judy seconded the motion. Motion passed.
25. Tonopah – Chris made a motion to approve their budget. Joe seconded the motion. Motion passed.
26. Vya – Judy made a motion to approve their budget. Vance seconded the motion. Motion passed.
27. Washoe Storey – Judy moved to approve their budget. Vance seconded the motion. Motion passed.

28. White Pine – Joe moved to approve their budget. Judy seconded the motion. Motion passed.

E. Review of Conservation Districts Annual Work Plans for FY 2010. Determination of compliance of Work Plans with legal requirements (NAC 548.120 (2)). - *ACTION*

The annual work plans submitted by each district were reviewed and discussed. Joe made the motion and was seconded by Vance to approve all Conservation District Annual Work plans. Motion passed unanimously.

F. Review of report log to verify submission of annual reports and final financial reports for FY 2008 (NAC 548.110 (7)). - *ACTION*

The commission reviewed the logs and determined that each of the districts had submitted these reports.

G. Preliminary finding of “Good Standing” status of Conservation Districts (NAC 548.090 (1)) - *ACTION*

The commission found 25 districts preliminarily eligible to receive a grant, assuming they all remain in “good standing”. Eligibility for “good standing” will be determined for Duck Valley and Lander County pending receipt of written explanation requested by the commission. Good standing status will be granted to Owyhee CD as long as they hold their third required meeting prior to June 30, 2009. Joe made the motion and was seconded by Vance. Motion passed.

H. Preliminary designation of Conservation Districts eligible for Basic District Operating Grants in FY 2010 (NAC 548.120 (2)) *ACTION*

Joe made a motion and Judy seconded the motion to find 26 districts preliminarily eligible to receive a grant, assuming they all remain in “good standing”. Eligibility will be determined for Duck Valley and Lander County pending receipt of written explanation requested by the commission.

IX. STAFF ITEMS – Division Staff Comments

A. Unless otherwise listed with a topic description, this portion of the agenda is limited to announcements and discussions proposed for action at future meetings.

None.

X. COMMISSIONER ITEMS

A. Comments, Reports, Items to be included on the next agenda.

None.

XI. PUBLIC COMMENTS

A. Three-minute time limit per person, limited to items not on the agenda.

There were no public comments.

XII. NEXT COMMISSION MEETING - *ACTION*

A. Set time and place – The next commission meeting will be held July 28, 2009 at 10:00 am in Carson City and will also be done as a teleconference.

XIII. ADJOURNMENT - *ACTION*

Chris made motion to adjourn the meeting and Joe seconded the motion. Meeting was adjourned at 3:20 pm.